THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.4864 of 2005

Dated 23-01-2006

Between:

P. Mabi.

..... PETITIONER

AND

The Revenue Divisional Officer, Adoni, Kurnool and two others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

–

WRIT PETITION No.4864 of 2005

O R D E R:

This writ petition is filed aggrieved by the order dated 18-01-2005 passed by the first respondent-Revenue Divisional Officer cancelling the authorization of the petitioner on the ground that she produced a false educational certificate at the time of her appointment as Fair Price Shop Dealer of Tangaradona Village of Aspari Mandal, Kurnool District.

It is to be noted that initially on the said ground the authorization of the petitioner was cancelled on 15-10-2003. Questioning the said order the petitioner preferred an appeal before the second respondent-Joint Collector, Kurnool. It appears that the Joint Collector disposed of the appeal by order dated 30-11-2004 and remanded the matter to the first respondent to take the necessary action keeping in view the report received from the District Educational Officer, Kurnool. In pursuance thereof, the Revenue Divisional Officer passed the impugned order dated 18-01-2005 holding that in view of the report of the District Educational Officer, Kurnool dated 16-06-2003 the earlier order of cancellation dated 15-10-2003 holds good.

The grievance of the petitioner is that she was not heard by the Joint Collector and there was no notice to her before disposing the appeal and remitting the matter to the first respondent, by order dated 30-11-2004. It is also contended that even after remand, the petitioner was not put on notice and the impugned order dated 18-01-2005 was passed without affording an opportunity to the petitioner to put forth her version.

Having heard both the parties and in view of the admitted fact that the first respondent passed the impugned order dated 18-01-2005 without issuance of notice to the petitioner and without even furnishing a copy of the report of the District Educational Officer, Kurnool, thereby affording an opportunity to the petitioner to put forth her version, I am of the opinion that the matter requires reconsideration.

Accordingly, the impugned order dated 18-01-2005 is set aside and the first respondent is directed to issue notice of hearing to the petitioner and also furnish a copy of the report of the District Educational Officer, Kurnool, dated 16-06-2003 and thereafter pass appropriate orders afresh in accordance with law.

The writ petition is accordingly disposed of. No costs.

_____

(G. ROHINI, J)

Date:23 -01-2006

ghn